

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

POCONO MOUNTAIN CHARTER

SCHOOL, *et al.*,

Plaintiffs,

v.

POCONO MOUNTAIN SCHOOL

DISTRICT, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-10-1171

(JUDGE CAPUTO)

ORDER

NOW, this 8th day of November, 2012, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (Doc. 34) is **GRANTED in part and DENIED in part**.

- (1) Defendants' motion to dismiss the claims under the First Amendment (Count II), Equal Protection Clause (Count III), Due Process Clause (Count IV), and Article I, Section 3 of the Pennsylvania Constitution (Count V) is **GRANTED**. Counts II-V of the First Amended Complaint are **DISMISSED**.
- (2) Defendants' motion to dismiss the claims under Title VI of the Civil Rights Act of 1964 (Count I) and Article I, Section 26 of the Pennsylvania Constitution (Count VI) is **DENIED**.
- (3) Defendants shall file an answer to the First Amended Complaint within **twenty-one (21) days** from the date of entry of this Order.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge